S.B.Civil Writ Petition NO.286/2005

Pukh Raj

vs

Tejmal & Ors.

DATE OF ORDER : - 27.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. P.S.Rathore, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the award of compensation of Rs.6,000/- , which was passed by the Motor Accident Claims Tribunal, Abu Road in claim case no.17/2000.

According to learned counsel for the petitioner, the tribunal committed serious error of fact in holding that there was negligence of the driver of the tractor whereas the claimant herself admitted in her statement, examination-in-chief that there was fault of driver of jeep also. It is also submitted that the tribunal wrongly held that the driver of the tractor had no valid licence.

I considered the submissions of learned counsel for the petitioner. It appears that the tribunal after considering the statement of one of the claimants Premlata clearly observed that though she stated that there was fault of driver of the jeep, but in cross-examination, she made it clear that the accident was caused because of the fault of only driver of the tractor and there was no mistake of the driver of the jeep. The tribunal also considered other evidence available on record and, thereafter, recorded the finding of fact against the petitioner. The tribunal also found that the driver of the tractor had no valid driving licence.

In view of the above, I do not find any merit in this writ petition and the same is hereby dismissed.

(Prakash Tatia), J.

c.p.goyal/-